



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

228**CRM-M-34629-2024 (O&M)****Date of decision: 23.01.2025****ABHISHEK SINGH**

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Inderpreet Singh Kooner, Advocate with
Ms.Avneet Kaur, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.129 dated 24.04.2024 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Kharar, District SAS Nagar.

2. Learned counsel for the petitioner contends that the petitioner's false implication in the instant case is evident from the fact that he has no previous criminal antecedents, much less ever being involved in a case under the NDPS Act. It has been further submitted that the petitioner was allegedly nabbed on suspicion and thereafter a recovery of 15 Kgs. of Ganja (non-commercial) was planted upon him. Learned counsel submits that since investigation in the present case is complete; challan stands presented and even charges framed, petitioner's further incarceration would



serve no useful purpose as none of the nine prosecution witnesses have been examined after the charges were framed on 19.07.2024.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner has been in custody since 24.04.2024 and none of the nine prosecution witnesses cited have been examined till date. Learned State counsel on further instructions has also not controverted that the alleged recovery i.e. 15 Kgs. of Ganja has been classified as non-commercial and the petitioner was apprehended based on suspicion.

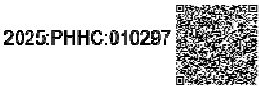
On a pointed query put to the learned State Counsel, he has submitted, on instructions, that the petitioner has no previous criminal antecedents.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. The petitioner has been in custody since 24.04.2024 in a case of chance recovery wherein 15 Kgs. of Ganja was allegedly recovered from him. The trial is unlikely to conclude in the near future given that the prosecution evidence is likely to commence only on 21.02.2025.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that



anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

9. Since the main case is being decided, all the pending miscellaneous applications stand disposed of.

January 23, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No